

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

5:06cv149

WARNER BROS. RECORDS INC., et)
al.,)
)
 Plaintiffs,)
)
Vs.)
)
MISTY N. ARNOLD,)
)
 Defendant.)
_____)

ORDER

THIS MATTER is before the court on the court's own motion for status. On December 18, 2006, plaintiffs filed a certificate of service indicating service of defendant on December 2, 2006, making defendant's Answer due to be filed not later than December 22, 2006. More than a month has now passed since such deadline passed and there is no provision in the Federal or Local rules which allows for extension of such deadline without court approval. Fed.R.Civ.P. 6(b). At this point, plaintiff must take affirmative action in seeking default or joining with defendant to reopen and enlarge the time to Answer by showing excusable neglect.

ORDER

IT IS, THEREFORE, ORDERED that the plaintiff file with the court a status report or seek affirmative relief not later than January 31, 2007.

Signed: January 25, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

